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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,922	07/20/2001	Chih-Wen Huang	YUSO-121	2419

7590

12/16/2004

Raymond Sun
12420 Woodhall Way
Tustin, CA 92782

EXAMINER

LEE, CHEUKFAN

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,922

Applicant(s)

HUANG, CHIH-WEN

Examiner

Cheukfan Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-18 are pending. Claims 1 and 12 are independent.
2. This application is in condition for allowance except for the following formal matters:

In the abstract,

Line 9 of page 20, "Among it's a plurality of ..." is not grammatical;

Line 11 of page 20, "comprising" should be changed to -- comprises --;

Line 11, "which capable" should read -- which is capable";

Line 11, "switching a" should read -- switching to a --;

Line 12, "and a" should read -- and to a --; and

Line 14, "capable engaging" should -- capable of engaging --.

In the specification,

The word "can" is used throughout the specification. The first occurrence is at page 1, line 5. The scanner "can" perform a function does not mean that it actually performs the function; that just means that the scanner can perform the function but not necessarily perform it.

In the claims,

In claim 1, line 5 of the claim, "which can provide" should be changed to -- which provide -- or -- which provides -- because use of the word "can" is improper since it is

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unclear whether the light source actually provides light emitting to a manuscript or the light source just "can" provide the light but does not actually provide light;

Line 5, "the light" should read – light --;

Line 6, "the scanning motion" should read – scanning motion --;

Line 7 of the claim, "that can receive" should read – that receives --;

Line 8, "redirect" should read – redirects --;

Line 14 of the claim, "seat." should read – seat; --;

Line 16 of the claim, "can receive" should read – receiving --;

Line 17 of the claim "convert" should read – converting --;

Line 17 of the claim, "signal," should read – signal; --;

Line 19 of the claim, "can provide" should read – provides --;

Line 20 of the claim, "movement." should read – movement, --;

Line 22, "the inter-positions" lacks antecedent basis and should be changed to – inter-positions --;

Line 23, "a plurality ..." should read – the plurality ...-- if the "plurality of reflection mirrors" is the exact same "plurality of reflection mirrors" of line 13 of the claim, in order to refer to the basis for this term set forth earlier in the claim;

Line 24, "can justly make" should read – justly makes --;

Line 27, "the inter-positions" should read – inter-positions – to eliminate the lack of antecedent basis;

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Line 28, "a plurality of ..." should read – the plurality of ... if the "plurality of reflection mirrors" is the exact same "plurality of reflection mirrors" of line 13 of the claim, in order to refer to the basis for this term set forth on line 13 of the claim;

Line 29, "can justly make" should read – justly makes --; and

Line 31, "an automatic document ..." should read – the automatic document – in order to refer to the basis set forth earlier in the claim.

In claim 2, line 3 of the claim, "ration" should read – ratio --.

In claim 3, line 3, "an automatic ..." should read -- the automatic --.

In claim 4, line 2, "proper position" should read – a proper position --; and

Line 3, "the supporting seat" should read – the first supporting seat --.

In claim 5, line 8, "unit;" should read – unit, --, and "provide" should read – provides --.

In claim 6, line 8 of the claim, "unit;" should read – unit, --; and

Line 9 of the claim, "provide" should read – provides --.

In claim 9, line 2, "comprising" should read – comprises --;

Line 3, "which can receive" should read – which receives --;

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Line 4, "focus" should read – focuses --;

Line 5, "can receive" should read – receiving --;

Line 6, "convert" should read – converting --; and

Lines 6-7, "that can be processed by computer" should read – that is to be processed by a computer --.

In claim 11, line 3, "the variation" should read – variation --.

In claim 12, line 5 of the claim, "which can provide the light" should read – which provides light --;

Line 6, "the scanning motion" should read – scanning motion --;

Lines 7-8, "that can receive" should read – that receives --;

Line 8, "reflect" should read – reflects --;

Line 9, "redirect" should read – redirects --;

Lines 11-12, "after first supporting seat," "at appropriate positions of the second supporting seat there are a plurality of reflection mirrors are provided" should be re-phrased to read – a plurality of reflection mirrors being provided at appropriate positions on the second supporting seat --;

Lines 14, "can receive" should read – receiving --;

Line 15, "convert" should read – converting --, and "signal," should read – signal; --, and further, "and," should read – and --;

Line 17, "can provide" should read – provides --;

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Line 20, "the normal position" should read – a normal position – to eliminate the lack of antecedent basis;

Line 20, "the inter-positions" should read – inter-positions --;

Line 21, "the a" should read – the – if the "plurality of reflection mirrors" is the exact same "plurality of mirrors" of line 12 of the claim, and "can justly make" should read -- justly makes --;

Line 26, "a plurality of reflection mirrors" should read – the plurality of reflection mirrors – if the "plurality of reflection mirrors" is the exact same "plurality of mirrors" of line 12 of the claim;

Line 26, "can justly make" should read – justly makes --; and

Line 29, "an automatic document feeder" should read – the automatic document feeder --.

In claim 13, "speed ration" should read – speed ratio --.

In claim 14, line 3, "an automatic document feeder" should read – the automatic document feeder" in order to referred to the basis set forth in claim 1.

In claim 15, lines 2-3, "at proper position" should read – at a proper position --;
and

Line 3, "the supporting seat" should read – the first supporting seat --.

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In claim 16, line 8, "is at normal position);" should read – being at a normal position --; and

Line 9, "provide" should read – provides --.

In claim 17, line 3, "comprising" should read – comprises --;

Line 4, "which can receive" should read – which receives --;

Line 5, "focus" should – focuses --;

Lines 6-7, "can receive" should read – receiving --; and

Line 8, "can be processed by computer" should read – is to be processed by a computer".

In claim 18, line 3, "the variation" should read – variation --.

Please note that in this Office action, claims 1-18 are objected to either because of the above reasons or as being dependent upon an objected claim for the reasons given above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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3. Claims 1-18 would be allowable if rewritten to overcome the objections set forth in this Office action.

4. The following is an examiner's statement of reasons for allowance:

Claims 1-11 would be allowable over the prior art of record. The closest prior art references Uto (U.S. Patent No. 5,373,352) and Uto et al. (U.S. Patent No. 5,448,345) disclose a mirror (11 and 31, respectively) that is switchably placed in an optical path in a document feeding or moving type scanning and is retracted from the optical path to be out of the way for the full-rate carriage (carrying a light source and a mirror) and the half-rate carriage (carrying two mirrors) to form another optical path during scanning of platform type (platen 5 and 4, respectively). However, the switchable mirror (11) is support on a separate stage (see Patent No. 5,373,352, Figs. 2(a) and 2(b) and col. 4, lines 56-66) and not on the second support seat as claimed. Claim 1 requires that the second supporting seat comprises the switchable reflection mirror and a plurality of reflection mirrors.

Claims 12-18 would be allowable over the prior art of record. Claim 12 requires that the image retrieving unit (photoelectric conversion unit) be vertically displaced by the image retrieving unit adjustment apparatus having two different positions, a normal position and a higher position, the two different positions corresponding to two different scanning types and two scanning zones, respectively, the platform type where the document is stationary on the platform during scanning, and the document feeding type where the document is moved during scanning. At each of these positions of the

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adjustment apparatus, inter-positions and angles' corresponding relationship of the mirror(s) of the first supporting seat and of the second supporting seat justly makes the light from the light source be through reflecting and changing direction then emit to the image retrieving unit (photoelectric conversion unit). These features are not taught by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oshima et al. (U.S. Patent No. 6,608,705) discloses an image reading device and focus adjustment method thereof.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (703) 305-4867. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
Dec. 6, 2004

A handwritten signature in black ink, appearing to read "Cheukfan Lee", is positioned to the right of the typed name and date.